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May 15, 2000

EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

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MAY 15 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 96-98

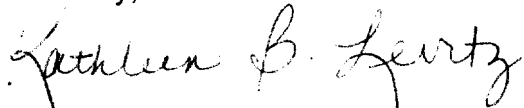
Dear Ms. Salas:

On May 15, 2000, Keith Milner, Angela Brown, Tom Larsen, Carol Matz and I, representing BellSouth participated in a telephone conversation with Jake Jennings, Chris Libertelli, and Jon Reel of the Common Carrier Bureau's Policy and Program Planning Division. The purpose of the conversation was to discuss BellSouth's position, expressed in its petition for reconsideration of the *Third Report and Order* in CC Docket No. 96-98, on two issues upon which the Commission had acted in that *Order*. The first issue was under what circumstances should ILECs be required to construct a single point of interconnection (SPOI). BellSouth believes that no such obligation should attach where the ILEC neither owns nor controls the facilities on the customer's side of the SPOI nor should it attach when a CLEC has not placed an order for access. BellSouth also believes that the Commission should reinstate its rule that did not permit CLECs to connect their loops directly to ILEC NIDs. The attached document formed the basis for BellSouth's presentation on these two issues. At the close of the meeting, we also explained that, for the reasons set for in BellSouth's Opposition Comments in this proceeding, the Commission should not raise the threshold number of lines for switching relief.

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In accordance with Section 1.1206(b)(2), I am filing two copies of this notice in the docket identified above. If you have any questions concerning this, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen B. Levitz". The signature is written in dark ink and is positioned above the printed name.

Kathleen B. Levitz

Attachment

cc: Jake Jennings (w/o attachment)
Chris Libertelli (w/o attachment)
Jon Reel (w/o attachment)

BellSouth Ex Parte on Issues Related to the SPOI and NIDs

CC Docket No. 96-98

May 15, 2000

Single Point Of Interconnection (SPOI)

- SPOI comments predicated on the retention of the Commission's long-standing definition of Inside Wire.
- Construction of a single SPOI is not always practical, efficient, or most importantly **necessary** to achieve CLEC interconnection.
 - Single SPOI will not meet the needs of all CLECs.
 - CLECs have requested and BellSouth has provided elements such as NTW and INC.

Single Point of Interconnection (SPOI)

- ILECs should not be required to construct a SPOI if a CLEC has not placed an order for access.
- ILEC should not be required to construct a SPOI where it neither owns nor controls the facilities.
 - No legal justification exists for an ILEC to construct a SPOI solely for the benefit of other carriers.
 - ILEC does not have the authority to disturb the facility owned by others.

Single Point of Interconnection (SPOI)

- SPOIs should only be required at the existing ILEC terminal or locations where no extensive recabling is required.
- Where the CLEC owns or controls the facilities and a second CLEC or ILEC seeks to obtain access, the controlling CLEC should be responsible for providing access via the SPOI under reasonable terms and conditions in keeping with the spirit of the 1996 Act.
- Supreme Court's and D.C. Circuit's holdings against impermissibly broad interpretations of "necessary" must be heeded.

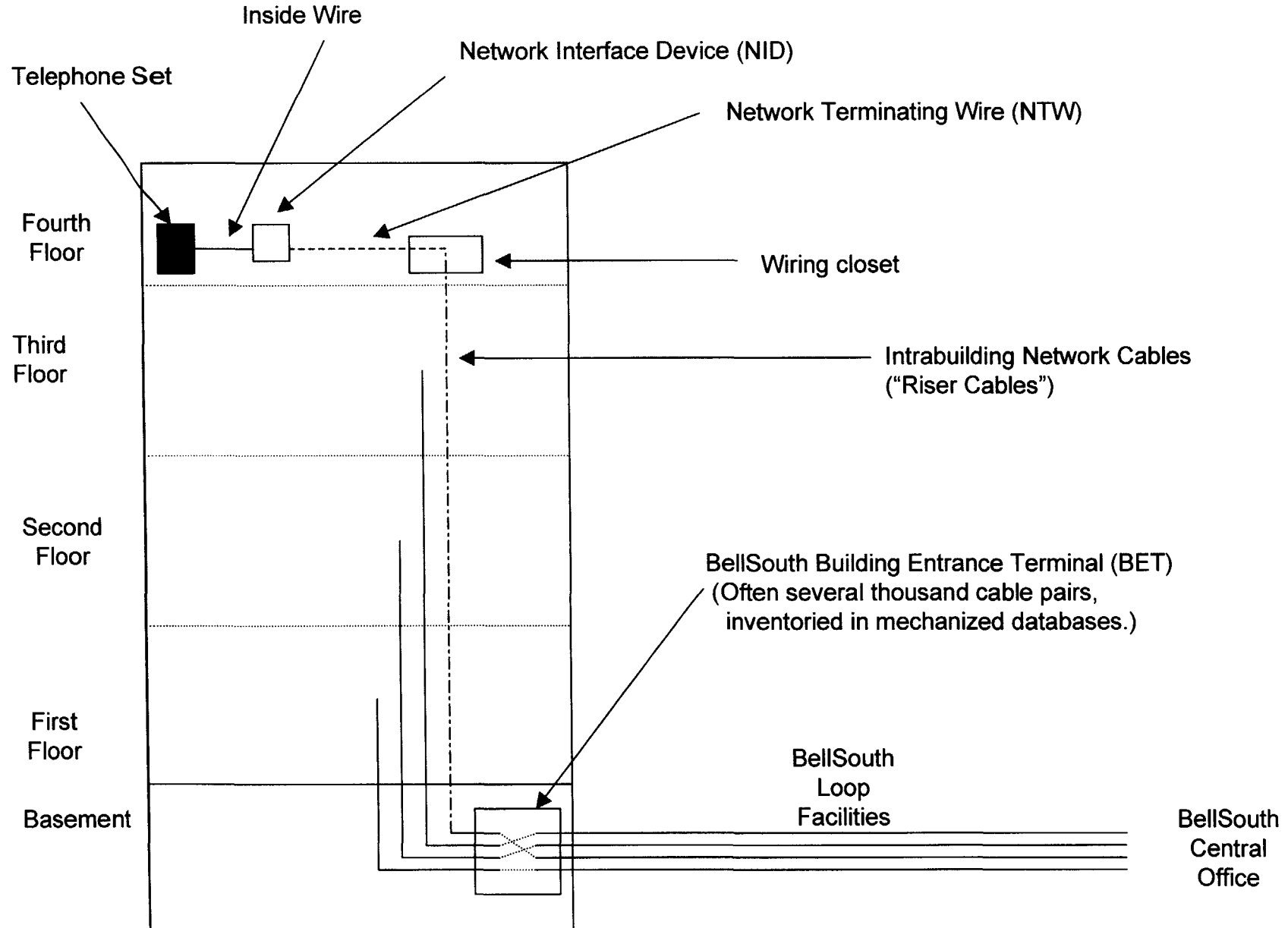
Network Interface Devices (NIDs)

- Record fails to support a rule change on the unbundling of NIDs.
 - No evidence in the record to show that it is now technically feasible for competing carriers to connect their loop facilities directly to the ILECs' NIDs.
 - Overvoltage concerns have not been addressed.
 - Disconnecting existing loop from lightening protector could violate NEC.
- FCC should reinstate its prior determination that an ILEC is not required to provide access to a CLEC to connect its loops directly to the ILEC's NIDs.

Summary

- ILEC should not be required to construct a SPOI if a CLEC has not placed an order for access.
- ILEC should not be required to construct a SPOI where it neither owns nor controls the facilities.
- The Commission should reinstate its rule that did not permit CLECs to connect their loops directly to ILEC NIDs.

Typical Multi-Story, Multi-Tenant Highrise Building



Access Via SPOI For Each Requesting CLEC

